
SUPPORTING STATEMENT FOR A REQUEST FOR OMB REVIEW UNDER
THE PAPERWORK REDUCTION ACT

ALTERNATE THRESHOLD FOR LOW ANNUAL REPORTABLE AMOUNTS

1 IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title and Number of the Information Collection

Alternate Threshold for Low Amounts in Wastes; OMB Control No. 2070-0143; EPA ICR #1704

1(b) Short Characterization

This information collection request (ICR) covers the the public reporting and recordkeeping requirements associated with toxics release inventory (TRI) reporting based on an alternate threshold for facilities with low amounts of chemicals in waste, under §313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11023(f)(2)).

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals in excess of the applicable threshold quantities to report their environmental releases of such chemicals annually. Each covered facility must file a separate Form R for each listed chemical manufactured, processed or otherwise used in excess of the reporting thresholds established in §313(f)(1). EPA has authority to revise these threshold amounts pursuant to §313(f)(2); however, such revised threshold amounts must obtain reporting on a substantial majority of total releases of the chemical at all facilities subject to §313. A revised threshold may be based on classes of chemicals or categories of facilities. Section 328 provides EPA with general rulemaking authority to develop regulations necessary to carry out the purposes of the Act.

EPA has established an alternate threshold for those facilities with low amounts of a listed toxic chemical in wastes. A facility that meets the current §313 reporting thresholds, but estimates that the total amount of the chemical in total waste does not exceed 500 pounds per year, can take advantage of an alternate manufacture, process or otherwise use threshold of 1 million pounds per year, for that chemical, provided that certain conditions are adhered to. The amounts in total waste are the combined total of amounts released at the facility, treated at the facility (as represented by amounts destroyed or converted by treatment processes), recovered at the facility as a result of recycling operations, combusted for the purpose of energy recovery at the facility, and transferred from the facility to off-site locations for the purpose of recycling, energy recovery, treatment, or disposal.

Each qualifying facility that chooses to apply the revised manufacture, process or otherwise use threshold must file an annual certification statement in lieu of a complete Form R. This annual certification is submitted to both the EPCRA reporting center and the designated state recipient in the same manner that the Form R is submitted. The annual certification provides a signed statement that the sum of the amount of the TRI chemical in wastes did not exceed 500 pounds for this reporting year, and that the chemical was manufactured, processed, or otherwise used in an amount not exceeding 1 million pounds during this reporting year.

The primary function served by the certification statement is to satisfy the statutory requirement to maintain reporting on a substantial majority of releases for all listed chemicals. Without the certification statement, users of TRI data would have no access to any information on these chemicals. The certification statement can also be considered a de facto range report that indicates that the sum of amounts of the chemical in waste did not exceed 500 pounds, which can be useful to any party interested in amounts being handled at a particular facility or for broader statistical purposes. Additionally, the certification statement provides compliance monitoring and enforcement programs along with other interested parties a means to track chemical management activities and verify overall compliance with the rule.

EPA estimates that a facility meeting the alternate threshold conditions will save about \$900 per statement that replaces a complete Form R. Based on 1992 reporting, EPA estimates this would save industry \$18.3 million and save EPA \$700,000 for a total savings of \$19 million per year.

EPA anticipates promulgating a rule to expand the list of chemicals reportable to TRI. EPA estimates that with the expanded list of chemicals, industry will be able to convert a total of nearly 23,700 Form Rs to certification statements. With an industry estimated savings of approximately \$900 per converted Form R, industry is estimated to save \$21.3 million with EPA savings of \$775,000 for a combined total savings of \$22.1 million per year.

2 NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

EPA has established this alternate threshold in order to attempt to balance additional data needs with the burden to supply such data. EPA believes that it is possible, and consistent with its authorities under EPCRA, to have an alternate threshold applicable to those facilities that have the sum of amounts in wastes of no greater than 500 pounds annually for a listed TRI chemical. EPA further believes that this alternate threshold does not result in a significant loss of more detailed waste management information. Based on 1992 TRI data, the 20,100 forms identified as being eligible to apply the alternate threshold for the currently reported chemicals are associated with 2.5 million pounds of total waste, which is less than 1 percent of the total waste information reported nationally in TRI.

EPA believes that an annual certification statement best addresses the statutory mandates and the public's right-to-know while allowing regulatory relief for facilities having lower volumes of chemicals in wastes. EPA believes that the annual certification provides appropriate information relating to the location of facilities manufacturing, processing or otherwise using these chemicals, that the chemicals are being manufactured, processed or otherwise used at current reporting thresholds, and that the sum of amounts of the chemical in total waste did not exceed 500 pounds for that reporting year.

EPA believes the annual certification requirements foster continued attention to chemical management practices and provide a locational tool vital to any compliance program or other interested party. EPA believes it necessary to receive some type of specific indication that a facility is taking advantage of the alternate threshold annually to assist in any compliance monitoring and enforcement efforts.

2(b) Use/Users of the Data

Environmental and public interest groups use data collected under EPCRA section 313 to produce national, regional, state and local level reports on toxic emissions from manufacturing facilities. Citizens and local interest groups use TRI data to assess the status of toxic chemicals in their community and to determine priorities for concern. The annual certification statement provides communities with the information that a §313 listed chemical is being manufactured, processed or otherwise used at threshold levels specified in 40 CFR part 372.25. Through the use of the annual certification statement, these groups and individuals will continue to have knowledge that the sum of amounts in total waste for a particular facility did not exceed a specified amount for the chemical for which the alternate threshold was applied.

EPA's Office Enforcement and Compliance Assurance (OECA) has stressed the need to continue to collect the information that a facility is manufacturing, processing, or otherwise using a listed §313 chemical in threshold amounts set out in 40 CFR part 372.25. Submission of the certification statement allows EPA and other data users to identify facilities applying the alternate threshold. In order to target facilities effectively and efficiently for compliance inspections, EPA must be able to distinguish between facilities that did not report under EPCRA §313 because they took advantage of this regulatory amendment, and facilities that did not report for other reasons.

In addition, state and many of the Regional TRI program offices have submitted comments that echo enforcement concerns raised by OECA to the effect that the submission of a certification statement is "paramount" to EPA's ability readily to verify compliance with the regulation being proposed or to enforce against violations. Additionally, an annual certification may provide sufficient information to citizens and interest groups and prevent unnecessary legal actions that might otherwise be pursued if there was a complete absence of information for a given facility.

3 THE RESPONDENTS AND THE INFORMATION REQUESTED

3(a) Respondents

The certification statement applies to those facilities that would otherwise be required to submit a full Form R, but determine that they are eligible to apply a revised reporting threshold based on the sum of amounts in total waste. Therefore, the alternate threshold does not bring additional facilities into EPCRA §313 regulation that are not already part of the regulated community.

As referred to in section 1(b) and presented in detail in section 6 of this ICR, the benefit served by the alternate threshold will extend to any newly added chemicals. The additional facilities that are brought into §313 reporting as a result of the expanded list of chemicals will be eligible to apply the alternate threshold for those chemicals meeting the alternate threshold criteria.

3(b) Information Requested

(i) Data Items

The following information must be reported on an alternate threshold certification statement pursuant to §372.27(b):

- (1) Reporting year.
- (2) An indication of whether the chemical identified is being claimed as trade secret.
- (3) Chemical name and CAS number (if applicable) of the chemical, or the category or the generic chemical name.
- (4) Signature of a senior management official certifying the following: pursuant to 40 CFR part 372.27, "I hereby certify that to the best of my knowledge and belief for the toxic chemical listed in this statement, the sum of reportable wastes did not exceed 500 pounds for this reporting year and that the chemical was manufactured, or processed, or otherwise used in an amount not exceeding 1 million pounds during this reporting year."
- (5) Date signed.
- (6) Facility name and address.
- (7) Mailing address of the facility if different than (6).
- (8) Toxic chemical release inventory facility identification number if known.
- (9) Name and telephone number of a Technical Contact.
- (10) The four-digit SIC codes for the facility or establishments in the facility.
- (11) Latitude and longitude coordinates for the facility.
- (12) Dun and Bradstreet Number of the facility.
- (13) EPA Identification Number(s) (RCRA I.D. Number(s) of the facility).
- (14) Facility NPDES Permit Number(s).
- (15) Underground Injection Well Code (UIC) I.D. Number(s) of the facility.
- (16) Name of the facility's Parent Company.

(17) Parent Company's Dun and Bradstreet Number.

These 17 elements are a subset of the information collected on Form R. The only element unique to the certification statement is element (4). Element 4 of the certification statement corresponds to the certification statement on Form R and represents a signed statement by a facility owner/operator or senior management official. Element 4 on the certification statement differs from the Form R statement in that the statement certifies that the sum of amounts in total waste did not exceed 500 pounds for a specific chemical and that the amounts manufactured, or processed, or otherwise used did not exceed 1 million pounds for that year.

These data elements have been arranged in a form that is attached. The elements have been placed in a format that follows Form R to provide consistency in data processing.

Justification for elements requested:

Elements 1 through 6 relate to the conditions being met in order to claim eligibility for the submission of a certification statement. These elements are essential in meeting the statutorily mandated requirement of continuing to capture a substantial majority of releases for each chemical.

Elements 7 through 17 are requested for identification purposes. Of these elements, 7 through 9 are necessary to determine which facility is claiming the alternate threshold along with the information needed to contact the claimant. Elements 10 through 17 are requested in order to cross-reference the facility and level of activity being certified with other reporting systems in addition to more accurately tracking the facility's TRI reporting history. These data elements are essential for enforcement purposes and have proven to be useful for cross program multi media investigations.

(ii) Respondent Activities

The regulated community is expected to comply with the reporting requirements by completing the certification statement and mailing it to EPA and the appropriate state agency. Section 313(g)(2) provides that a "facility may use readily available data (including monitoring data) collected pursuant to other provisions of law, or where data are not readily available, reasonable estimates of the amounts involved." Respondents are not required to develop new information. The following respondent activities were detailed in the initial ICR and are briefly summarized below.

The same level of assistance presently available to Form R respondents are available to those facilities applying the alternate threshold and completing the annual certification statement. Instructions and guidance documents are available, and a toll-free hotline is available to handle general and technical inquiries from the regulated community. The following steps will be completed by a facility using the alternate threshold:

Compliance Determination
Report/Certification Statement (Compliance)
Substantiation of a Trade Secret Claim
Recordkeeping/Disclosure
Supplier Notification
Petition Submission (not a requirement)

Compliance Determination. Facilities must first determine if they are eligible to apply the alternate threshold, and/or provide supplier notification. The determination is based on the SIC code(s) for the facility, the number of full-time employees or equivalents, the chemicals manufactured, processed or otherwise used at the facility, and the quantity of those chemicals. In addition, a facility has to determine the sum of amounts in total waste in order to determine if it is eligible to apply the alternate threshold. The facility must also determine that they did not manufacture, process, or otherwise use more than 1 million pounds of the listed chemical.

Certification Statement Completion (Compliance). Once a facility has determined that it can use the alternate threshold, it must complete the certification statement described under section 3(b)(I).

Substantiation of a Trade Secrecy Claim. Respondents wanting to make a trade secrecy claim for the chemical identity should refer to documentation requirements discussed in the Trade Secrecy ICR for EPCRA (EPA #1428, OMB #2050-0078).

Recordkeeping/Disclosure. Each facility taking advantage of the alternate threshold is required to maintain and make available upon request records for a period of three years from the date of the submission of the certification statement. These records provide substantiation that an appropriate threshold determination was made and that the sum of amounts in total waste did not exceed 500 pounds for that chemical for that reporting year. This documentation is necessary for any compliance effort verifying the claims made by a facility taking advantage of the alternate threshold.

Supplier Notification. No additional supplier notification requirements are associated with the annual certification statement.

Petition Submission. No additional procedures relating to petition submissions are required by the annual certification statement.

4 THE INFORMATION COLLECTED--AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT.

4(a) Agency Activities

EPA activities for this ICR parallel requirements established for reporting TRI releases on Form R (OMB #2070-0093, approved 5/19/92), including:

- Assistance to Respondents
- Data Management
- Data Processing and Quality Control
- Systems Maintenance and Operation
- Availability of the Data
- List Revisions and Petition Reviews
- Trade Secrecy Reviews

Assistance to Respondents. Assistance to respondents is offered in the same manner as described by the initial ICR. These assistance efforts extend to facilities for completion of a certification statement.

Data Processing and Quality Control. Once a certification statement is submitted, the information is keyed into a data base on a PC-based local area network (LAN). Automated data quality checks begin at data entry, including various edit checks and the normalization of some of the data fields. If the problem(s) identified prevent further processing of the form, a Notice of Noncompliance is sent to the respondent. EPA also loads data from those facilities that have provided their certification statement on magnetic media.

Once on the LAN, the data are uploaded to the mainframe and further data quality checks are made. Included in these operations is continued normalization of name fields, such as county names, insertion of missing latitude and longitude coordinates (based on a ZIP-code centroid) and checks of problems with linkages of data for a facility. Verification of the submitted data continues in this step.

Systems Maintenance and Operations. The data base is maintained on an EPA mainframe, from which the data are made available to EPA and the states. Tapes are also "cut" from the EPA mainframe and provided to the National Library of Medicine (NLM) and other public access vendors. Maintaining the data base on the mainframe requires programming and operations necessary to support the system.

Availability of the Data. In accordance with the statute, EPA provides access to the TRI by any interested party on a cost reimbursement basis. The TRI is available to the public through NLM and other sources.

In addition to the public data base, EPA has also made the TRI information available

through a variety of other electronic and non-electronic means. EPA prepares a national data release report that describes the annual data received and presents extensive summary information in text, charts, and graphics. Magnetic tapes of the entire data base and PC diskettes of abbreviated data for individual states in dBASE and Lotus formats are available for purchase through GPO and NTIS. EPA has also made a Compact Disc Read-Only-Memory (CD-ROM) version of the data base available to those libraries. Finally, citizens can contact their state or the national EPCRA reporting center for information and copies of individual forms submitted by facilities.

Trade Secrecy Reviews. A respondent may claim a chemical as trade secret on the certification statement in the same manner as filing a Form R. When a respondent claims a chemical identity as a trade secret, a substantiation must be included. Respondents often claim trade secret status on Form R but do not provide substantiation. In those cases, EPA must review the claim and contact the respondent to determine the true intent. In many cases, the trade secret claim was not intended and no substantiation is made. Trade Secrecy reviews, including the costs to EPA, are discussed in greater detail in the ICR for the Trade Secrecy Rule for EPCRA (EPA #1428, OMB #2050-0078).

4(b) Collection Methodology and Management

EPA encourages the use of submissions on magnetic media. The use of magnetic media does not necessarily reduce the reporting burden on industry, although EPA believes that it is so; it is intended to reduce both the cost and the time required to enter, process, and make available the data. Submission by magnetic media also improves data quality because of automatic checks that highlight errors or omitted data. EPA has modified the current reporting program in order to make the certification statement reportable on magnetic media.

4(c) Small Entity Flexibility

The alternate threshold is advantageous to small entities. The range established by the 500 pound category may apply proportionally higher to smaller entities, thereby resulting in greater regulatory relief for these facilities. No analysis was performed to estimate the specific number of small businesses that are eligible to apply the alternate threshold.

4(d) Collection Schedule

The respondent and Agency schedule of activities associated with the collection and processing of information under EPCRA §313 is unchanged for the alternate threshold. Whether making a complete Form R submission or submitting a certification based on the alternate threshold, respondents must make their reports to EPA for any given reporting year on or before July 1 of the succeeding year.

5 NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

5(a) Non-duplication

The information requested by the certification statement represents a subset of information requested by Form R. To the extent that this reporting option is used, corresponding data will not be reported under Form R.

5(b) Consultations

EPA met with industry trade associations and members of the environmental community in the course of the original rulemaking. EPA published for comment both petitions being addressed by this rule and held a public meeting on the issue on February 16, 1994. EPA published a proposed rule and received a substantial number of comments. Upon careful consideration of the concerns raised by commenters, EPA believes that the final rule established a balance between retaining the detail of TRI information available to the public, while providing the regulated community with an option to reduce a significant amount of regulatory burden. EPA selected reasonably attainable levels for establishing the reduced burden that it estimates enables the conversion of approximately 25% of the previously submitted reports.

5(c) Effects of Less Frequent Collection

Section 313 requires annual reporting. Section 313(i) permits EPA to modify the reporting frequency by rulemaking, after submitting a notification to Congress. Up through 1993, EPA was effectively prevented from changing the frequency with which Form Rs were to be submitted. As Form Rs are required to be submitted on or before July 1 following the year in which the facility's activities occur, and as the national data are available from EPA within a year after EPA receives data, a less frequent collection of information would further delay the availability of the data to the public. These conditions also apply to receipt of the certification statement.

By requiring the certification on an annual basis, any compliance monitoring or enforcement program, as well as other interested parties, are able to determine that the facility is continuing to manufacture, process, or otherwise use a listed §313 chemical and that the amounts associated with these activities are in excess of current reporting thresholds.

5(d) General Guidelines

This information collection is consistent with the requirements of 5 CFR 1320.6, except that respondents may be required to submit information that is confidential. Specifically, reporting facilities are required to identify the chemical for which reports are submitted. Respondents can, however, claim the chemical identity as a trade secret, although they must provide a generic name as part of the information that is made available to the public. EPA securely stores and maintains the true identity of the chemical. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in 40 CFR part 2.

EPA actively encourages the use of automated techniques, most notably PC-based report generating programs produced both by the Agency and by the private sector and other submissions on magnetic media. EPA recognizes that not all reporting facilities are able to or are interested in investing the time and funds necessary to employ such automated techniques. The final decision on how to report is ultimately the reporting facility's.

5(e) Confidentiality and Sensitive Questions

(i) Confidentiality

Respondents may designate the specific chemical identity of a substance as a trade secret. Procedures for submission and review of trade secret claims under §313 are set forth in 40 CFR part 350.

(ii) Sensitive Questions

This collection does not request any sensitive information.

6 ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Estimating Respondent Burden

This section presents EPA's estimates of the burden hours to complete the information collection activities associated with the alternate threshold. The burden comprises the time needed to perform the steps outlined in section 3 of this document.

The estimates presented here were developed in the Regulatory Impact Analysis (RIA) prepared for the alternate threshold rule, based on EPA and respondent experience, previous ICRs, and information acquired through compliance activities. While the RIA addressed only reports for the current list of chemicals, this ICR also includes reports for chemicals added in the more recently promulgated Chemical Expansion rule.

Certification statements for the current list of chemicals replace Form Rs that have already been filed. Facilities using the alternate threshold for these chemicals represent a subset of the burden and costs already identified in the Form R information collection request (OMB #2070-0090). The previously estimated burden for these facilities will be subtracted from the total burden figures when the Information Collection Request for Form R is revised.

The effect of the alternate threshold on the currently listed chemicals can be calculated using data that are already reported to TRI. Based on the data that were reported to TRI in 1991 and 1992, EPA estimates that there will be 20,100 certification statements submitted for currently listed chemicals. These 20,100 reports are submitted by 9,900 facilities. Thus, eligible facilities

are estimated to submit an average of two certification statements per facility.

EPA currently receives approximately 81,000 Form Rs per year. Thus the 20,100 certification statements estimated for the currently listed chemicals mean that about 25% of the reports to TRI will be certification statements while the remaining 75% will continue to be Form Rs.

The burden of submitting certification statements for the newly listed chemicals is calculated by assuming that the effect of the alternate threshold on the additional chemicals is similar to its effect on the current chemicals. EPA estimates that the additional chemicals will generate 14,036 additional reports from 3,509 facilities. If approximately 25% of these reports are certification statements, then 3,488 of the reports on the additional chemicals will be certification statements. If there is an average of two certifications per facility, there will be 1,744 facilities submitting certification statements for the additional chemicals.

When reporting for the current and additional chemicals are combined, there will be an estimated 23,588 certification statements submitted by 11,644 facilities.¹ Facilities submitting certification statements must calculate total waste volume, complete the certification statement and perform recordkeeping.² The burden for completing each of these steps is described below.

Calculate Total Waste Volume

If a facility's total waste volume for a listed chemical is 500 lbs. or below, the facility is eligible to apply the alternate threshold of 1 million pounds manufactured, processed or otherwise used (instead of the current levels of 25,000 and 10,000 pounds). The facility must calculate the total waste volume for each of the chemicals for which it wishes to submit a certification statement instead of a Form R.³

EPA has previously estimated the time required to complete different sections of the Form R. These estimates were made in the RIA for the original EPCRA section 313 rulemaking and the RIA for the amendments to the Form R required by the Pollution Prevention Act of 1990.

This ICR uses the assumption that each of the 11,644 reporting facilities submits two certification statements, yielding an estimate of 23,288 certification statements submitted overall. This understates the true estimate of 23,588 certifications, since the average number of certifications per facility is actually 2.02. Thus, the national results presented here, in terms of both burden and savings, are slightly below the expected results.

Facilities must also determine whether they are within Standard Industrial Classification (SIC) codes 20 through 39; have the equivalent of 10 or more full-time employees; and manufacture, process or use any of the listed chemicals above the threshold quantity. EPA assumes that the first two steps require negligible time. All 183,000 facilities in SIC 20-39 are assumed to require time for the third step. This time requirement is already accounted for in the Form R information collection request (OMB #2070-0093).

The time required to determine the amount manufactured, processed or otherwise used is already included in the compliance determination estimate.

The calculations needed to determine eligibility for the certification statement are a subset of the calculations necessary to complete Form R. Thus, the time required to calculate total waste was estimated by aggregating EPA's earlier estimates of the time required to calculate each of the sections of Form R that are relevant to determining total waste volume.

EPA estimates that calculating total waste volume requires 30.24 hours (11.12 hours of management time, 17.69 hours of technical time, and 1.43 hours of clerical time) for each chemical. Thus, the average eligible facility (submitting 2 certification statements) requires 60.48 hours to determine that it is eligible to apply the alternate threshold.

Completion of Certification

Eligible facilities that wish to take advantage of the alternate threshold incur costs to complete a certification statement. The facility must complete one certification statement for each chemical to which it is applying the alternate threshold.

In estimating the burden hours, EPA relied on the Agency's original RIA for EPCRA section 313. Completing the sections of Form R dealing with the trade secret checkoff, management certification, facility identification and chemical identity was estimated to require 0.09 hours of management time, 1.18 hours of technical time and 0.03 hours of clerical time, a total of 1.3 hours.

The information described above is the same type of information that is required on the certification statement. Thus, the time necessary to complete the certification is estimated to be the same as the time necessary to complete these sections of the Form R, i.e., 1.3 hours. Since the average facility eligible for the alternate threshold will submit 2 certification statements, each eligible facility will require approximately 2.6 hours for completing the certification statement.

Recordkeeping/Mailing

After a facility has completed a certification statement, it incurs additional labor costs for recordkeeping associated with the alternate threshold. Recordkeeping allows a facility to use the information in making calculations in subsequent years, and as documentation in the event it undergoes a compliance audit. Facilities may maintain such records as estimation methodology and calculations, engineering reports, inventory, incident and operating logs, and any other supporting materials needed to document eligibility for the alternate threshold.

Based on the estimates in the previous RIAs and ICRs for Form R, recordkeeping and mailing is estimated to require 2.97 hours per certification statement (2.37 hours of technical time and 0.6 hours of clerical time). This is equivalent to 6 hours per facility, based on an average of 2 certification statements per eligible facility.

Total Respondent Burden

As shown in Table 1, the annual burden requirements are 69.02 hours for a facility submitting two certification statements (or 34.51 hours per certification statement). The total respondent burden, calculated in Table 2, is 803,669 hours. Of this, 683,298 hours is due to the current chemicals, and 115,836 hours is due to reports for additional chemicals.

By comparison, the average time required for form completion and recordkeeping for Form R is estimated to be approximately 52 hours per form. Thus, the alternate threshold yields an average savings of 17.5 hours for each certification statement that is submitted in lieu of a Form R. If the 23,288 certification statements were submitted on Form Rs instead, the total respondent burden would be 1,210,976 hours. Use of the alternate threshold therefore results in an aggregate burden reduction of 407,540 hours.

<p style="text-align: center;">TABLE 1 CERTIFICATION STATEMENT ANNUAL HOURS PER RESPONDENT FACILITY</p>				
Activity	----- Hours -----			Total Hours
	Management	Technical	Clerical	
Calculating Total Waste	22.24	35.38	2.86	60.48
Recordkeeping/Mailing	-	4.74	1.20	5.94
<u>Completing Certification</u>	<u>0.18</u>	<u>2.36</u>	<u>0.06</u>	<u>2.60</u>
Total	22.42	42.48	4.12	69.02
Burden estimates in this table reflect the assumption that each affected facility will complete two certification statements.				

TABLE 2
CERTIFICATION STATEMENT
ANNUAL HOURS FOR AGGREGATE RESPONDENTS

Activity	----- Hours -----			Total Hours
	Mgmt	Technical	Clerical	
Calculating Total Waste				
Current Chemicals	220,176	350,262	28,314	598,752
Additional Chemicals	38,787	61,703	4,988	105,477
Recordkeeping/mailing				
Current Chemicals	---	46,926	11,880	58,806
Additional Chemicals	---	8,267	2,093	10,359
Completing Certification Statement				
Current Chemicals	1,782	23,364	594	25,740
<u>Additional Chemicals</u>	<u>314</u>	<u>4,116</u>	<u>105</u>	<u>4,534</u>
Subtotal - Current Chemicals	221,958	420,552	40,788	683,298
Subtotal - Additional Chemicals	38,787	69,969	7,081	115,836
Total	261,058	494,637	47,973	803,669
Burden estimates in this table reflect the assumption that each affected facility will complete two certification statements.				

6(b) Respondent Costs

The cost to respondents is based on the burden estimates presented above, the hourly cost of labor at appropriate levels (labor rates) and the number of certification statements filed per facility. There are no specific capital costs associated directly with this information collection activity.

Labor hours are divided into three categories: managerial, technical, and clerical. Hourly labor costs are estimated at \$66.95 for managerial personnel, \$50.98 for technical personnel, and \$20.80 for clerical personnel. These labor costs include fringe benefits and overhead, and are in 1992 dollars.

Cost estimates are tabulated in a similar manner as were burden estimates. Table 3 presents respondent costs calculated at the facility level, and Table 4 presents aggregate cost estimates.

As shown in Table 3, an average eligible facility that submits two certification statements, incurs an average cost of \$3,752 for both of the certification statements. Total annual costs for those facilities eligible for the alternate threshold is \$43,692,310 as calculated in Table 4. Of this cost, \$37.1 million is due to the currently reported chemicals and \$6.5 million is due to the additional chemicals.

The cost of Form R reporting and recordkeeping is \$2,788 per report. Respondents would spend \$64.9 million to submit the 23,288 Form Rs that would be eligible for the alternate threshold. Submitting certification statements instead of Form Rs saves these facilities \$912 per report, for a total of \$21.2 million per year.

TABLE 3 CERTIFICATION STATEMENT ANNUAL COST PER RESPONDENT FACILITY				
Activity	----- Cost -----			
	Mgmt \$66.95/hr	Technical \$50.98/hr	Clerical \$20.80/hr	Total Cost
Calculating Total Waste	\$1,488.97	\$1,803.67	\$59.49	\$3,352.13
Recordkeeping/Mailing	---	\$241.65	\$24.96	\$266.61
<u>Completing Certification Statement</u>	<u>\$12.05</u>	<u>\$120.31</u>	<u>\$1.25</u>	<u>\$133.61</u>
Total	\$1,501.02	\$2,165.63	\$85.70	\$3,752.35
Burden estimates in this table reflect the assumption that each affected facility will complete two certification statements.				

TABLE 4
CERTIFICATION STATEMENT
ANNUAL COST FOR AGGREGATE RESPONDENTS

Activity	----- Cost -----			
	Mgmt \$66.95/hr	Technical \$50.98/hr	Clerical \$20.80/hr	Total Cost
Calculating Total Waste				
Current Chemicals	\$14,740,783	\$17,856,357	\$588,931	\$33,186,071
Additional Chemicals	\$2,596,760	\$3,145,605	\$103,747	\$5,846,112
Recordkeeping/Mailing				
Current Chemicals	---	\$2,392,287	\$247,104	\$2,639,391
Additional Chemicals	---	\$421,429	\$43,530	\$464,959
Completing Certification Statement				
Current Chemicals	\$119,305	\$1,191,097	\$12,355	\$1,322,757
<u>Additional Chemicals</u>	<u>\$21,017</u>	<u>\$209,826</u>	<u>\$2,177</u>	<u>\$233,019</u>
Subtotal - Current Chemicals	\$14,860,088	\$21,439,741	\$848,390	\$37,148,219
Subtotal - Additional Chemicals	\$2,617,777	\$3,776,859	\$149,454	\$6,544,090
Total	\$17,477,865	\$25,216,600	\$997,844	\$43,692,310
Burden estimates in this table reflect the assumption that each affected facility will complete two certification statements.				

6(c) Estimating Agency Burden and Cost

EPA incurs costs to: process the certification statements, perform outreach and training, disseminate information, develop policy and guidance, respond to petitions, and perform compliance and enforcement audits. Based on experience with TRI for Form R, EPA's costs are estimated to be \$42.57 for each certification statement. The cost for each of EPA's TRI activities is displayed in Table 5. The total cost to EPA of the 23,288 certifications is \$991,370 per year.

EPA currently incurs a cost of \$76 for each Form R that is submitted. The alternate threshold saves EPA \$33.20 for each certification statement that is submitted, yielding total savings of \$773,161 per year.

TABLE 5 EPA COST PER CERTIFICATION FOR TRI ACTIVITIES	
TRI Activity	Average Cost per Certification
Data Processing	\$10.63
Outreach & Training	\$5.14
Information Dissemination	\$6.53
Policy & Petitions	\$9.19
Compliance & Enforcement	<u>\$11.08</u>
Total	\$42.57

6(d) Bottom Line Burden Hours and Costs

Total respondent burden and cost for completing the certification statement are estimated at approximately 804,000 burden hours and \$43.7 million per year. Total EPA cost for processing the certification statements are approximately \$1 million per year.

Most of this burden is due to the currently reported chemicals, and represents a subset of the burden in the Form R information collection request. The previously estimated burden for these reports will be subtracted from the Form R ICR when it is next revised.

6(e) Reasons for Change in Burden

There is minor increase in the total burden hours imposed on the public associated with this collection, compared with the total burden approved by OMB when this collection was last cleared in March 1995. This request totals 803,669 hours compared with the existing OMB-approved burden hour total of 803,436 hours, or an increase of 233 hours. This difference is an adjustment based on a somewhat more precise burden hour calculation, as discussed above, than OMB apparently used at the time of the last approval of this collection.

6(f) Burden Statement

Public reporting burden for this collection of information is estimated to average 34.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, Mail Code 2136, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, and to Paperwork Reduction Project (OMB No. 2070-0143), Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

7 ADDITIONAL INFORMATION

OMB originally approved this collection of information on March 17, 1995, with clearance granted through September 30, 1996. At the time of the initial approval, OMB specified certain conditions before OMB would renew clearance of this collection after September 30, 1996. OMB directed EPA to analyze TRI reports submitted for reporting year 1995, recalculate the number of respondents and the respondent burden resulting from this collection, and determine if the alternative threshold should be changed before submitting this collection to OMB for renewed approval. Additionally, if EPA determined that changes in the regulation were warranted, OMB directed EPA to initiate rulemaking to make the necessary changes.

However, the deadline for respondents to submit TRI data for the 1995 reporting year is August 1, 1996. Data entry, data verification and other routine data processing operations will not be completed until approximately October 1, 1996, at the earliest. This is also the earliest data by which a full set of reporting data will be available to EPA staff for analysis. EPA will not be able to complete a responsible analysis of the data of the nature prescribed by OMB, arrive at conclusions necessary to satisfy the above conditions, and begin the standard ICR approval process until approximately March or April, 1997.

Accordingly, EPA is proposing to request renewed OMB approval for this collection without, at this time, attempting to meet the terms outlined by OMB. EPA will, however, proceed in a timely fashion with the analysis and related actions and decisions to satisfy OMB's conditions once reporting year 1995 data are available, in expectation of being able to respond to those conditions upon the next following request for OMB approval of this collection.